

Appln. No.: 09/539,815
Amendment Dated June 21, 2004
Reply to Office Action of April 28, 2004

MATP-587US

Remarks/Arguments:

Claims 1-10 are pending in the above-identified application.

Claims 1 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura et al. With regard to claim 1, the ground for rejection is respectfully traversed. Nakamura et al. do not disclose or suggest:

A method for storing video and audio data which have been compressed according to a standard specified by the Moving Pictures Experts Group (MPEG), the method comprising the steps of:

...recording the video and audio PES packets on a disk wherein the video PES packets are recorded separately from the audio PES packets;
as set forth in claim 1, claim 5 includes similar recitations.

In Nakamura et al., the audio and video data are recorded together as a multimedia bitstream. As set forth by Nakamura et al at col. 28, line 48 through col. 29, line 17,

The system encoder 900 is connected to the video stream buffer 400, sub-picture stream buffer 600, audio stream buffer 800, and the encoding system controller 200, and is respectively supplied thereby with the time-delayed encoded video stream St27, time-delayed encoded sub-picture stream St29, time-delayed encoded audio stream St31, and the system stream encoding parameter data St33. Note that the system encoder 900 is a multiplexer that multiplexes the time-delayed streams St27, St29, and St31 based on the stream encoding data St33 (timing signal) to generate title editing units (VOBs) St35.

The VOB buffer 1000 temporarily stores the video objects VOBs produced by the system encoder 900. The formatter 1100 reads the delayed video objects VOB from the VOB buffer 1000 based on the title sequence control signal St39 to generate one video zone VZ, and adds the volume file structure VFS to generate the edited multimedia stream data St43.

The multimedia bitstream MBS St43 edited according to the user-defined scenario is then sent to the recorder 1200. The recorder 1200 processes the edited multimedia stream data St43 to the data stream St45 format of the recording medium M, and thus records the formatted data stream St45 to the recording medium M.

This passage clearly requires that the audio and video streams be multiplexed and formed into video objects before they are stored on the recording medium, requiring that the audio and video data be recorded together on the recording medium. Thus, Nakamura et al. does not

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MATP-587US

meet the limitation of claims 1 and 5 that the video and audio PES packets be separately recorded.

The subject invention as defined by claims 1 and 5 has a significant advantage over Nakamura et al. because it records the audio and video PES packets separately. As described at page 5, line 31 through page 6, line 14, this feature of the invention allows it to mitigate the disruption caused by soft errors. Because Nakamura et al. do not disclose or suggest the limitations of claims 1 and 5, claims 1 and 5 are not subject to rejection under 35 U.S.C. § 102(b) as being anticipated by Nakamura et al.

Claims 2, 3 and 6 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Nakamura et al. In view of Tamura et al. With regard to claims 2, 3 and 6, the ground for rejection is respectfully traversed. In particular, neither Nakamura et al., Tamura et al., nor their combination disclose or suggest recording the audio and video PES packets separately as required by claims 1 and 5, from which claims 2, 3 and 6 variously depend. Nakamura et al. is described above. Tamura et al. describes an audio reproduction or recording device having a pause function. Tamura et al. do not disclose or suggest recording video data at all, much less recording the audio and video data separately. Thus, Tamura et al. do not provide the material that is missing from Nakamura et al. Claims 2 and 3 include all the limitations of claim 1 from which they depend. Claim 6 includes all the limitations of claim 5 from which it depends. Therefore, claims 2, 3 and 6 are not subject to rejection under 35 U.S.C. § 103 (a) as being unpatentable over Nakamura et al in view of Tamura et al. for at least the same reasons as claims 1 and 5.

Claim 7 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Nakamura et al in view of Tamura et al. and in further view of Fujita. With regard to claim 7, the ground for rejection is respectfully traversed. In particular, neither Nakamura et al., Tamura et al., Fujita nor their combination disclose or suggest recording the audio and video PES packets separately, as required by claim 5 from which claim 7 depends. Nakamura et al. and Tamura et al. are described above. Fujita describes a recording medium, apparatus and method of recording data on the recording medium. Fujita also describes apparatus and method of reproducing data from the recording medium. Like Nakamura et al., Fujita does not disclose or suggest recording the audio and video data separately. At column 38, lines 6-9, Fujita state, "According to the flow of FIG. 61, the encoded main video data, audio data, and sup-picture

Page 3 of 4

Appln. No.: 09/539,815
Amendment Dated June 21, 2004
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MATP-587US

data (Com Video, Com Audio, Comp Sub-pict) are mixed and converted so as to form a video data title set structure as explained in FIGS. 4 and 12." Also, at column 10, lines 28-31, Fujita states, "In each video title set 72, compressed video data, compressed audio data, compressed sub-picture data, and the reproducing information about these data items are stored...." Thus, Fujita also requires that the video and audio data be stored together. Because Fujita does not provide the material that is missing from Nakamura et al. and Tamura et al., neither claim 5 nor claim 7 which depends from it is subject to rejection under 35 U.S.C. § 103(a) in view of Nakamura et al., Tamura et al., and Fujita.

Applicants appreciate the indication in the Office Action that claims 4 and 8-10 would be allowable if amended to be independent and to include all of the limitations of their base claims and any intervening claims. Because, as described above, claims 1 and 5 are in condition for allowance, no amendment to claims 4 and 8-10 is needed.

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the objections to claims 4 and 8-10 and the rejection of claims 1-3 and 5-7.

Respectfully submitted,


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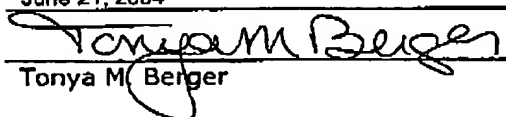
Dated: June 21, 2004

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June 21, 2004


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Page 4 of 4